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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,919

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Alan G. Noraker

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2754

7590

03/08/2006

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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,919	Applicant(s) NORAKER, ALAN G.	
	Examiner Kurt Rowan	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 29, 2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the term "Velcro" is improper. The generic terminology such as --hook and loop material-- should be substituted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-7, 9-13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz.

The patent to Kiser shows a fishing line container 11, 12 having a first spool 44 of fishing line in a fishing line compartment. Kiser shows a first flap 12 having an outer area and inner area. Kiser shows arms 46 to hold the spool 44 as shown in Figs. 5-6. The patent to Faz shows a container 10 having a strap or fastening element 48 of hoop and loop material for holding a spool 50 as shown in Fig. 4 and disclosed in column 3, lines 1-5. The strap has an attached end and an attaching end wherein the attached end and the attaching end of the single strap element are not separable from each other and the attached end is fixed to an inner area of a first flap. The fastening element of the attaching end can be connected to a fastening element of the attached end to form a closed loop. In reference to claims 1 and 9, it would have been obvious to provide Kiser with a strap as shown by Faz to replace the arms 46 since merely one equivalent mechanical fastener is being substituted for another and the function is the same. In reference to claim 4, Faz shows hook and loop material commonly referred to as Velcro. In reference to claim 5, Kiser shows the first flap having a hinged section 24 and a movable section 28. In reference to claim 6, Kiser shows a first strap having a length such that the length of the first strap appears to be greater than one-half of the lateral extent. At any rate, the relationship between the sizes of different elements would be determined through routine experimentation absent any showing of unexpected results. See *In re Rose*, 105 USPQ 137 and *In re Dailey et al.*, 149 USPQ 47. In reference to claim 7, Faz shows one strap and Kiser shows multiple spools. It

would have been obvious to provide one strap for each spool noting that duplication of parts for multiplied effect is obvious. See *In re Harza*, 124 USPQ 378. In reference to claim 12, the attached end of the strap is laterally spaced from the first cover. In reference to claim 15, Kiser shows a primary container area joined to but spaced from the fishing line compartment. In reference to claim 16, Kiser shows a support subassembly 32, 34, 38 for holding at least said fishing line compartment adjacent a user's body.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz as applied to claim 1 above, and further in view of Grogan.

The patents to Kiser and Faz have been discussed above. In reference to claim 8, Faz show hook and loop material as the fastening element of the strap. The patent to Grogan shows a strap 46 which uses snaps 48, 49, 50 as the fastening elements. It would have been obvious to provide the fishing line container assembly of Kiser as modified by Faz with snaps to replace the hook and loop material since merely one mechanically equivalent fastening element is being substituted for another and the function is the same.

7. Claims 14, 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz as applied to claims 1, 9 above, and further in view of Davis. The patents to Kiser and Faz have been discussed above. Kiser does not show an access hole formed entirely within a perimeter of a piece of material forming at least a portion of the exterior of the fishing line compartment. The patent to Davis shows a fishing line container 10 for holding a plurality of spools 48, 50, 52. Davis shows a

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plurality of access holes 60, 62, 64 formed within a perimeter of a piece of material such as the side wall of the container which is at least a portion of the exterior of the fishing line compartment. In reference to claim 14, it would have been obvious to provide the fishing line container of Kiser as modified by Faz with an access hole as shown by Davis for the purpose of withdrawing line from the spools without having to open the container. In reference to claim 17, the combination of Kiser in view of Faz and Davis shows all of the method steps recited; providing a first spool, providing a fishing tackle pack, inserting a strap having an attached end and an attaching end through the bore of the spool, establishing a closed state of the strap and forming a loop by interconnecting the attaching end of the strap to the attached end, and threading the fishing line from the first spool through a hole formed through a panel of the first compartment. In reference to claim 20, Kiser shows a cover 28 and it follows that the cover overlies at least a portion of the first spool and the compartment is closed. In reference to claim 21, it follows that the inserting step includes inserting the strap through the bore while the bore is located outwardly from the cover.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Faz and Davis as applied to claim 28 above, and further in view of Harmon.

9. The patents to Kiser, Faz and Davis have been discussed above and do not show a zipper. Kiser uses a strap 33, 34, 38 to close the compartments. The patent to Harmon shows a fishing tote bag for fishing equipment which employs zippers 8, 57 to close the various compartments. In reference to claim 29, it would have been obvious to provide the fishing line container of Kiser as modified by Faz and Davis with zippers

as shown by Harmon since merely one equivalent closure means is being substituted for another and the function is the same.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Redzisz, Volmer, Robinson, Lee, Ashbaugh, Brame, Perry, Allen show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Kurt Rowan", with a long, sweeping horizontal stroke extending to the right.

Kurt Rowan
Primary Examiner
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KR